

# MONTANA LEGISLATIVE HISTORY

Chapter 314 1993

Bill H 158 S \_\_\_\_\_ Original bill & history ☒ C

H. Committee on Human Services & Aging

Hearing Date(s) Jan 18 ☒ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

Date Out Jan 19 ☒ C

S. Committee on Public Health Welfare & Safety

Hearing Date(s) Mar 15 ☒ C

Mar 19 ☒ C

\_\_\_\_\_ ☐ C

\_\_\_\_\_ ☐ C

Mar 22 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee \_\_\_\_\_

Report \_\_\_\_\_

## HB 157 INTRODUCED BY VOGEL, ET AL.

## AUTHORIZE SEIZURE AND FORFEITURE OF MOTOR VEHICLES FOR THIRD OR SUBSEQUENT VIOLATIONS OF DUI OR DRUGS

|      |                                            |    |    |
|------|--------------------------------------------|----|----|
| 1/13 | INTRODUCED                                 |    |    |
| 1/13 | REFERRED TO JUDICIARY                      |    |    |
| 1/13 | FIRST READING                              |    |    |
| 1/13 | FISCAL NOTE REQUESTED                      |    |    |
| 1/19 | FISCAL NOTE RECEIVED                       |    |    |
| 1/19 | FISCAL NOTE PRINTED                        |    |    |
| 1/20 | HEARING                                    |    |    |
| 2/12 | TABLED IN COMMITTEE                        |    |    |
| 2/18 | COMMITTEE REPORT—BILL PASSED AS AMENDED    |    |    |
| 2/20 | 2ND READING PASSED AS AMENDED              | 66 | 34 |
| 2/23 | 3RD READING PASSED                         | 58 | 41 |
|      | TRANSMITTED TO SENATE                      |    |    |
| 3/01 | FIRST READING                              |    |    |
| 3/01 | REFERRED TO JUDICIARY                      |    |    |
| 3/22 | HEARING                                    |    |    |
| 3/30 | COMMITTEE REPORT—BILL CONCURRED AS AMENDED |    |    |
| 3/31 | 2ND READING CONCURRED                      | 43 | 6  |
| 4/01 | 3RD READING CONCURRED                      | 39 | 9  |
|      | RETURNED TO HOUSE WITH AMENDMENTS          |    |    |
| 4/05 | 2ND READING AMENDMENTS CONCURRED           | 66 | 33 |
| 4/07 | 3RD READING AMENDMENTS CONCURRED           | 61 | 39 |
| 4/17 | SIGNED BY SPEAKER                          |    |    |
| 4/17 | SIGNED BY PRESIDENT                        |    |    |
| 4/20 | TRANSMITTED TO GOVERNOR                    |    |    |
| 4/22 | SIGNED BY GOVERNOR                         |    |    |
|      | CHAPTER NUMBER 474                         |    |    |
|      | EFFECTIVE DATE: 10/01/93                   |    |    |

## HB 158 INTRODUCED BY KADAS, ET AL.

## GENERALLY REVISE LAWS RELATING TO ALTERNATIVE HEALTH CARE BOARD

## BY REQUEST OF ALTERNATIVE HEALTH CARE BOARD

|      |                                             |    |   |
|------|---------------------------------------------|----|---|
| 1/13 | INTRODUCED                                  |    |   |
| 1/13 | REFERRED TO HUMAN SERVICES & AGING          |    |   |
| 1/13 | FIRST READING                               |    |   |
| 1/18 | HEARING                                     |    |   |
| 1/20 | COMMITTEE REPORT—BILL PASSED                |    |   |
| 1/22 | 2ND READING PASSED AS AMENDED               | 96 | 2 |
| 1/25 | 3RD READING PASSED                          | 95 | 2 |
|      | TRANSMITTED TO SENATE                       |    |   |
| 1/27 | FIRST READING                               |    |   |
| 1/27 | REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY |    |   |
| 2/09 | FISCAL NOTE REQUESTED                       |    |   |
| 2/13 | FISCAL NOTE RECEIVED                        |    |   |
| 2/15 | FISCAL NOTE PRINTED                         |    |   |
| 3/15 | HEARING                                     |    |   |
| 3/22 | COMMITTEE REPORT—BILL CONCURRED             |    |   |
| 3/24 | 2ND READING CONCURRED                       | 50 | 0 |
| 3/25 | 3RD READING CONCURRED                       | 49 | 0 |
|      | RETURNED TO HOUSE                           |    |   |
| 4/02 | SIGNED BY SPEAKER                           |    |   |
| 4/06 | SIGNED BY PRESIDENT                         |    |   |
| 4/07 | TRANSMITTED TO GOVERNOR                     |    |   |
| 4/12 | SIGNED BY GOVERNOR                          |    |   |

CHAPTER NUMBER 314  
EFFECTIVE DATE: 04/12/93

HB 159 INTRODUCED BY PAVLOVICH, ET AL.  
REVISE DEFINITION OF "VETERAN"

|      |                                  |    |   |
|------|----------------------------------|----|---|
| 1/13 | INTRODUCED                       |    |   |
| 1/13 | REFERRED TO STATE ADMINISTRATION |    |   |
| 1/13 | FIRST READING                    |    |   |
| 1/20 | HEARING                          |    |   |
| 1/21 | COMMITTEE REPORT—BILL PASSED     |    |   |
| 1/23 | 2ND READING PASSED               | 96 | 2 |
| 1/26 | 3RD READING PASSED               | 97 | 2 |
|      | TRANSMITTED TO SENATE            |    |   |
| 1/28 | FIRST READING                    |    |   |
| 1/28 | REFERRED TO STATE ADMINISTRATION |    |   |
| 2/08 | HEARING                          |    |   |
| 2/13 | COMMITTEE REPORT—BILL CONCURRED  |    |   |
| 2/15 | 2ND READING CONCURRED            | 49 | 0 |
| 2/16 | 3RD READING CONCURRED            | 49 | 0 |
|      | RETURNED TO HOUSE                |    |   |
| 2/19 | SIGNED BY SPEAKER                |    |   |
| 2/19 | SIGNED BY PRESIDENT              |    |   |
| 2/22 | TRANSMITTED TO GOVERNOR          |    |   |
| 2/24 | SIGNED BY GOVERNOR               |    |   |
|      | CHAPTER NUMBER 78                |    |   |
|      | EFFECTIVE DATE: 02/24/93         |    |   |

HB 160 INTRODUCED BY DEBRUYCKER  
REQUIRE AGENCY OF U.S. GOVERNMENT TO PAY PROPERTY TAXES ON  
PROPERTY ACQUIRED THROUGH FORECLOSURE

|      |                                 |    |   |
|------|---------------------------------|----|---|
| 1/13 | INTRODUCED                      |    |   |
| 1/13 | REFERRED TO TAXATION            |    |   |
| 1/13 | FIRST READING                   |    |   |
| 1/19 | HEARING                         |    |   |
| 1/21 | COMMITTEE REPORT—BILL PASSED    |    |   |
| 1/23 | 2ND READING PASSED              | 95 | 2 |
| 1/26 | 3RD READING PASSED              | 95 | 1 |
|      | TRANSMITTED TO SENATE           |    |   |
| 1/28 | FIRST READING                   |    |   |
| 1/28 | REFERRED TO TAXATION            |    |   |
| 2/04 | HEARING                         |    |   |
| 2/13 | COMMITTEE REPORT—BILL CONCURRED |    |   |
| 2/15 | 2ND READING CONCURRED           | 49 | 0 |
| 2/16 | 3RD READING CONCURRED           | 49 | 0 |
|      | RETURNED TO HOUSE               |    |   |
| 2/19 | SIGNED BY SPEAKER               |    |   |
| 2/19 | SIGNED BY PRESIDENT             |    |   |
| 2/22 | TRANSMITTED TO GOVERNOR         |    |   |
| 2/25 | SIGNED BY GOVERNOR              |    |   |
|      | CHAPTER NUMBER 80               |    |   |
|      | EFFECTIVE DATE: 02/25/93        |    |   |

HB 161 INTRODUCED BY MASON  
REVISE REAL ESTATE APPRAISER LICENSING LAW  
BY REQUEST OF DEPARTMENT OF COMMERCE

1/13 INTRODUCED

HOUSE BILL NO. 158

INTRODUCED BY KADAS, HARPER, S. RICE  
BY REQUEST OF THE ALTERNATIVE HEALTH CARE BOARD

IN THE HOUSE

|                  |                                                                    |
|------------------|--------------------------------------------------------------------|
| JANUARY 13, 1993 | INTRODUCED AND REFERRED TO COMMITTEE<br>ON HUMAN SERVICES & AGING. |
|                  | FIRST READING.                                                     |
| JANUARY 20, 1993 | COMMITTEE RECOMMEND BILL<br>DO PASS. REPORT ADOPTED.               |
| JANUARY 21, 1993 | PRINTING REPORT.                                                   |
| JANUARY 22, 1993 | SECOND READING, DO PASS AS AMENDED.                                |
| JANUARY 23, 1993 | ENGROSSING REPORT.                                                 |
| JANUARY 25, 1993 | THIRD READING, PASSED.<br>AYES, 95; NOES, 2.                       |
|                  | TRANSMITTED TO SENATE.                                             |

IN THE SENATE

|                  |                                                                              |
|------------------|------------------------------------------------------------------------------|
| JANUARY 27, 1993 | INTRODUCED AND REFERRED TO COMMITTEE<br>ON PUBLIC HEALTH, WELFARE, & SAFETY. |
|                  | FIRST READING.                                                               |
| MARCH 22, 1993   | COMMITTEE RECOMMEND BILL BE<br>CONCURRED IN. REPORT ADOPTED.                 |
| MARCH 24, 1993   | SECOND READING, CONCURRED IN.                                                |
| MARCH 25, 1993   | THIRD READING, CONCURRED IN.<br>AYES, 49; NOES, 0.                           |
|                  | RETURNED TO HOUSE.                                                           |

IN THE HOUSE

|                |                              |
|----------------|------------------------------|
| MARCH 25, 1993 | RECEIVED FROM SENATE.        |
|                | SENT TO ENROLLING.           |
|                | REPORTED CORRECTLY ENROLLED. |

1 House BILL NO. 158  
 2 INTRODUCED BY Charles J. Ryan, Sr.  
 3 BY REQUEST OF THE ALTERNATIVE HEALTH CARE BOARD  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE  
 6 LAWS RELATING TO THE ALTERNATIVE HEALTH CARE BOARD;  
 7 PROVIDING STAGGERED TERMS FOR MEMBERS OF THE BOARD; DELETING  
 8 THE REQUIREMENT THAT ALL MEMBERS BE PRESENT IN ORDER TO  
 9 CONDUCT BOARD BUSINESS; MAKING FEES COLLECTED BY THE BOARD  
 10 NONREFUNDABLE; CLARIFYING THE DRUGS AND THERAPIES THAT MAY  
 11 BE PRESCRIBED BY NATUROPATHIC PHYSICIANS; CLARIFYING THE  
 12 REQUIREMENTS FOR NATUROPATHIC PHYSICIAN ENDORSEMENT;  
 13 ALLOWING A PERSON WITH A HIGH SCHOOL EQUIVALENCY DIPLOMA TO  
 14 QUALIFY FOR LICENSURE AS A DIRECT-ENTRY MIDWIFE; PROVIDING  
 15 REQUIREMENTS FOR DOCUMENTATION OF THE APPRENTICESHIP  
 16 EXPERIENCE OF MIDWIVES; GRANTING THE BOARD AUTHORITY TO SET  
 17 THE PASSING GRADE ON THE LICENSING EXAMINATION FOR MIDWIVES;  
 18 ALLOWING A MIDWIFE TO OBTAIN APPRENTICESHIP EXPERIENCE BY  
 19 WORKING UNDER THE SUPERVISION OF A LICENSED NATUROPATH WHO  
 20 IS CERTIFIED FOR SPECIALTY PRACTICE IN NATUROPATHIC  
 21 CHILDBIRTH ATTENDANCE; PROVIDING RESTRICTIONS IN THE USE OF  
 22 TITLES IDENTIFYING LICENSED MIDWIVES; AMENDING SECTIONS  
 23 2-15-1840, 37-26-201, 37-26-202, 37-26-301, 37-26-404,  
 24 37-27-201, 37-27-202, 37-27-203, 37-27-205, AND 37-27-210,  
 25 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

1  
 2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 3 **Section 1.** Section 2-15-1840, MCA, is amended to read:  
 4 "2-15-1840. Alternative health care board --  
 5 composition -- terms -- allocation. (1) There is an  
 6 alternative health care board.  
 7 (2) The board consists of six members appointed by the  
 8 governor with the consent of the senate. The members are:  
 9 (a) two persons from each of the health care  
 10 professions regulated by the board who have been actively  
 11 engaged in the practice of their respective professions for  
 12 at least 3 years preceding appointment to the board;  
 13 (b) one public member who is not a member of a  
 14 profession regulated by the board; and  
 15 (c) one member who is a Montana physician whose  
 16 practice includes obstetrics.  
 17 (3) The members must have been residents of this state  
 18 for at least 3 years before appointment to the board.  
 19 (4) ~~Following the initial appointment of members to the~~  
 20 ~~board, all~~ All members shall serve staggered 4-year terms. A  
 21 member may not be appointed for more than two consecutive  
 22 terms. The governor may remove a member from the board for  
 23 neglect of a duty required by law, for incompetency, or for  
 24 unprofessional or dishonorable conduct.  
 25 (5) The board is allocated to the department for

1 administrative purposes only, as prescribed in 2-15-121.

2 (6) The board is designated a quasi-judicial board for  
3 the purposes of 2-15-124, except that one member of the  
4 board need not be an attorney licensed to practice law in  
5 this state."

6 **NEW SECTION. Section 2. Transition to staggered terms**  
7 **-- appointments.** (1) On September 1, 1995, the governor  
8 shall make appointments to the alternative health care board  
9 as follows:

10 (a) one person who is a Montana physician whose  
11 practice includes obstetrics, to serve a 4-year term;

12 (b) one person who is a public member, to serve a  
13 3-year term;

14 (c) one person who is a direct-entry midwife, to serve  
15 a 2-year term; and

16 (d) one person who is a naturopath, to serve a 1-year  
17 term.

18 (2) At the expiration of the 1-year and 2-year terms  
19 provided for in subsections (1)(c) and (1)(d), the governor  
20 shall appoint the person designated to fill the position to  
21 serve a 4-year term. At the expiration of these 4-year  
22 terms, the physician 4-year term, and the public member  
23 3-year term, appointments must be made in accordance with  
24 2-15-1840.

25 (3) On September 1, 1997, the governor shall make

1 appointments to the board as follows:

2 (a) one person who is a direct-entry midwife, to serve  
3 a 1-year term; and

4 (b) one person who is a naturopath, to serve a 2-year  
5 term.

6 (4) At the end of the terms provided for in subsection  
7 (3), the governor shall appoint the person designated to  
8 fill the positions to serve a 4-year term. At the expiration  
9 of these 4-year terms, appointments must be made in  
10 accordance with 2-15-1840.

11 **Section 3. Section 37-26-201, MCA, is amended to read:**

12 **"37-26-201. Powers and duties of board.** The board  
13 shall:

14 (1) adopt rules necessary or proper to administer and  
15 enforce this chapter;

16 (2) adopt rules that specify the scope of practice of  
17 naturopathic medicine stated in 37-26-301, that are  
18 consistent with the definition of naturopathic medicine  
19 provided in 37-26-103, and that are consistent with the  
20 education provided by approved naturopathic medical  
21 colleges;

22 (3) adopt rules prescribing the time, place, content,  
23 and passing requirements of the licensure examination, which  
24 may be composed of part or all of the national naturopathic  
physicians licensing examination;

(4) adopt rules that endorse equivalent licensure examinations of another state or territory of the United States, the District of Columbia, or a foreign country and that may include licensure by reciprocity;

(5) adopt rules that set nonrefundable fees, commensurate with costs, for application, examination, licensure, and other administrative services;

(6) approve naturopathic medical colleges as defined in 37-26-103;

(7) adopt rules for the investigation of complaints against naturopathic physicians, for hearings on complaints, and to impose disciplinary action against naturopathic physicians found to be in violation of this chapter;

(8) investigate individuals falsely claiming to be naturopathic physicians and act in cooperation with county attorneys to enforce the provisions of this chapter;

(9) adopt rules that establish, approve, and routinely review a continuing education curriculum and accreditation for naturopathic physicians that is required for license renewal;

(10) issue certificates of specialty practice;

(11) issue temporary licenses as provided for in 37-26-403; and

(12) adopt rules that, in the discretion of the board, appropriately restrict licenses to a limited scope of

practice of naturopathic medicine, which may exclude the use of minor surgery or the legend drugs allowed under 37-26-301."

**Section 4.** Section 37-26-202, MCA, is amended to read:

"37-26-202. Board meetings. (1) The board shall meet at least once annually.

(2) Special meetings may be called by any two board members or the chairman presiding officer.

(3) ~~All members must be present in order to conduct board business~~ A majority of the board constitutes a quorum for the transaction of business."

**Section 5.** Section 37-26-301, MCA, is amended to read:

"37-26-301. Practice of naturopathic health care. (1) Naturopathic physicians may practice naturopathic medicine as a limited practice of the healing arts as exempted in 37-3-103(1)(n), with the following restrictions. A naturopathic physician may not:

(a) prescribe, dispense, or administer any legend drug as defined in 50-31-301 except for whole gland thyroid<sub>7</sub>, homeopathic preparations<sub>7</sub>, and oxytocin (pitocin), provided that the naturopathic physician may administer but may not prescribe or dispense oxytocin (pitocin); and the natural therapeutic substances, drugs, and therapies described in subsection (2);

(b) administer ionizing radioactive substances for

1 therapeutic purposes;

2 (c) perform surgical procedures except those minor  
3 surgery procedures authorized by this chapter; or

4 (d) claim to practice any licensed health care  
5 profession or system of treatment other than naturopathic  
6 medicine unless holding a separate license in that  
7 profession.

8 (2) Naturopathic physicians may prescribe and  
9 administer for preventive and therapeutic purposes the  
10 following natural therapeutic substances, drugs, and  
11 therapies:

12 (a) food, food extracts, vitamins, minerals, enzymes,  
13 whole gland thyroid, botanical medicines, homeopathic  
14 preparations, and oxytocin (pitocin);

15 (b) topical drugs, health care counseling, nutritional  
16 counseling and dietary therapy, naturopathic physical  
17 applications, therapeutic devices, and nonprescription  
18 drugs; and

19 (c) barrier devices for contraception, naturopathic  
20 childbirth attendance, and minor surgery.

21 (3) Naturopathic physicians may perform or order for  
22 diagnostic purposes a physical or orificial examination,  
23 ultrasound, phlebotomy, clinical laboratory test or  
24 examination, physiological function test, and any other  
25 noninvasive diagnostic procedure commonly used by physicians

1 in general practice and as authorized by 37-26-201(2).

2 (4) Except as provided by this subsection, it is  
3 unlawful for a naturopath to engage, directly or indirectly,  
4 in the dispensing of any drugs that a naturopath is  
5 authorized to prescribe by subsection (2). If the place  
6 where a naturopath maintains an office for the practice of  
7 naturopathy is more than 10 miles from a place of business  
8 that sells and dispenses the drugs a naturopath may  
9 prescribe under subsection (2), then, to the extent ~~such the~~  
10 drugs are not available within 10 miles of the naturopath's  
11 office, the naturopath may sell ~~such the~~ drugs that are  
12 unavailable."

13 **Section 6.** Section 37-26-404, MCA, is amended to read:

14 "37-26-404. Licensure by endorsement. ~~{†}~~ The board may  
15 authorize the department to issue to an applicant a license  
16 by endorsement if the applicant produces evidence  
17 satisfactory to the board of:

18 ~~{†}~~(1) a valid license or certificate issued to the  
19 applicant on the basis of an examination by ~~an a~~  
20 naturopathic examining board under the laws of another state  
21 or territory of the United States, the District of Columbia,  
22 or a foreign country, whose licensing standards at the time  
23 the license or certificate was issued were, in the judgment  
24 and according to the rules of the board, acceptable for  
25 endorsement for granting a license to practice naturopathic



1 medicine; or

2 ~~(b)~~--~~(i)~~(2) (a) an inactive license or other  
3 certificate of examination issued to or for the applicant by  
4 a naturopathic examining board under the laws of another  
5 state or territory of the United States, the District of  
6 Columbia, or a foreign country, whose examination standards  
7 at the time the license was granted or the examination was  
8 passed were acceptable for endorsement in the judgment and  
9 according to the rules of the board;

10 ~~(i)~~(b) the fact that he the applicant has not been  
11 disciplined or had his an inactive license suspended or  
12 revoked for malpractice;

13 ~~(i)~~(c) the fact that he the applicant has been  
14 actively engaged in the practice of naturopathic medicine  
15 for at least 1 year in a state or territory of the United  
16 States, the District of Columbia, or a foreign country, that  
17 does not license naturopathic physicians;

18 ~~(i)~~(d) the fact that he the applicant is a graduate of  
19 an approved naturopathic medical college; and

20 ~~(v)~~(e) his the good moral character of the applicant."

21 **Section 7.** Section 37-27-201, MCA, is amended to read:

22 "37-27-201. Qualifications of applicants for license --  
23 educational and practical experience requirements. To be  
24 eligible for a license as a direct-entry midwife, an  
25 applicant:

1 (1) must be possess a high school graduate diploma or  
2 its equivalent;

3 (2) must be of good moral character and be at least 21  
4 years of age;

5 (3) shall satisfactorily complete educational  
6 requirements in pregnancy and natural childbirth, approved  
7 by the board, which must include but are not limited to the  
8 following:

9 (a) provision of care during the antepartum,  
10 intrapartum, postpartum, and newborn period;

11 (b) parenting education for prepared childbirth;

12 (c) observation skills;

13 (d) aseptic techniques;

14 (e) management of birth and immediate care of the  
15 mother and the newborn;

16 (f) recognition of early signs of possible  
17 abnormalities;

18 (g) recognition and management of emergency situations;

19 (h) special requirements for home birth;

20 (i) intramuscular and subcutaneous injections;

21 (j) suturing necessary for episiotomy repair;

22 (k) recognition of communicable diseases affecting the  
23 pregnancy, birth, newborn, and postpartum periods;

24 (l) assessment skills; and

25 (m) the use and administration of drugs authorized in

37-27-302;

(4) shall acquire practical experience, which may be attained in a home, clinic, or hospital setting. Practical experience attained in a hospital does not constitute training or supervision by the hospital, nor may a hospital be required to provide such practical experience. At a minimum, this experience must include the following types and numbers of experiences acquired through an apprenticeship or other supervisory setting:

(a) provision of 100 prenatal examinations;

(b) observation of 40 births; and

(c) participation as the primary birth attendant at 25 births, 15 of which included continuous care, as evidenced by ~~signing--the--birth--certificate--as--the--primary--birth attendant;~~

(i) birth certificates from Montana or another state;

(ii) a signed affidavit from the birthing mother; or

(iii) documented records from the person who supervised the births.

(5) shall file documentation with the board that the applicant has been certified by the American heart association or American red cross to perform adult and infant cardiopulmonary resuscitation. Certification must be current at the time of application and remain valid throughout the license period."

**Section 8.** Section 37-27-202, MCA, is amended to read:

**"37-27-202. Examination -- preparation -- requirements.**

(1) An examination for a license to practice direct-entry midwifery must be prepared by a certified nurse-midwife designated by the board in consultation with the physician on the board.

(2) Examinations must be conducted once each year, be fair and impartial, and be sufficiently comprehensive to adequately test the applicant's competence and ability.

(3) A In order to be licensed, a person must shall attain a passing grade of--at--least--70%--to--pass on the examination, as set by the board.

(4) A person who fails to achieve a passing grade on the examination may not engage in the practice of midwifery."

**Section 9.** Section 37-27-203, MCA, is amended to read:

**"37-27-203. Examination -- exemption.** (1) Except as provided in subsection (4), an applicant for a license as a direct-entry midwife shall pass a qualifying, written examination, prescribed by the board, that is designed to test knowledge of theory regarding pregnancy and childbirth and to test clinical judgment in midwifery management. If considered necessary, an oral interview may be conducted in addition to the written examination to determine the fitness of the applicant to practice as a direct-entry midwife.

(2) Before an applicant may take the examination, the applicant shall demonstrate to the board that the educational and practical experience requirements in 37-27-201~~(2)~~(3) and ~~(3)~~(4) have been met.

(3) An applicant is exempt from the educational and practical experience requirements of 37-27-201~~(2)~~(3) and ~~(3)~~(4) if the applicant has:

(a) satisfactorily completed the first examination given by the board following July 1, 1991; and

(b) filed supporting documentation, as required by the board by rule, certifying that the applicant has served as the primary birth attendant, providing continuous care at no less than 75 births within the 7 years prior to July 1, 1991, as verified by birth certificates from Montana or another state, a signed affidavit from the birthing mother, or documented records from the midwife.

(4) Upon payment of the license fee established by the board, a nurse-midwife certified pursuant to 37-8-409 is exempt from the requirements of 37-27-201 and this section and may be licensed as a direct-entry midwife."

**Section 10.** Section 37-27-205, MCA, is amended to read:

**"37-27-205. Provisional license -- apprentice license.**

(1) Upon payment of a \$200 fee to the department, the board may grant a provisional direct-entry midwife license only to a person who filed an affidavit required by section 2,

Chapter 493, Laws of 1989.

(2) The provisional license is valid until the issuance of grades for the first examination administered pursuant to 37-27-202.

(3) Upon payment of a \$200 fee to the department, the board may grant an apprentice direct-entry midwife license to a person who:

(a) is working under the personal supervision of a licensed direct-entry midwife, a certified nurse-midwife, or a physician licensed under Title 37, chapter 3, and who or a licensed naturopathic physician who is certified for the specialty practice of naturopathic childbirth attendance; and

(b) is seeking licensure as a direct-entry midwife under this chapter.

(4) An apprentice direct-entry midwife license is valid for 1 year and must be renewed annually, with a limit of four renewals."

**Section 11.** Section 37-27-210, MCA, is amended to read:

**"37-27-210. Fees.** (1) An applicant for a direct-entry midwife license shall, upon submitting an application to the board, pay an application fee set by the board, commensurate with costs.

(2) An applicant required to take an examination shall, before commencement of the examination, pay an examination

1 fee set by the board, commensurate with costs.

2 (3) Before a license may be issued or renewed, an  
3 applicant shall pay a fee set by the board, commensurate  
4 with costs.

5 (4) Subject to 37-1-101(6), money paid for application,  
6 examination, license, and license renewal fees must be  
7 deposited in the state special revenue fund for use by the  
8 board.

9 (5) Fees are nonrefundable."

10 NEW SECTION. Section 12. Title restricted -- enjoining  
11 unlawful practice. (1) A direct-entry midwife licensed under  
12 this chapter may use the term "licensed midwife" or  
13 "direct-entry midwife" as a title.

14 (2) Only a direct-entry midwife licensed under this  
15 chapter may use the title "licensed midwife" or  
16 "direct-entry midwife".

17 (3) The terms and titles in subsections (1) and (2)  
18 identify direct-entry midwives and are restricted to  
19 describing and identifying licensed practitioners and their  
20 practice. A person who uses these terms and titles to  
21 represent the person or the person's practice to the public  
22 without being licensed pursuant to this chapter is in  
23 violation of this chapter.

24 (4) A violation of this chapter may be enjoined by the  
25 district court on petition by the board.

1 NEW SECTION. Section 13. Codification instruction.

2 [Section 12] is intended to be codified as an integral part  
3 of Title 37, chapter 27, part 2, and the provisions of Title  
4 37, chapter 27, part 2, apply to [section 12].

5 NEW SECTION. Section 14. Effective date. [This act] is  
6 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0158, third reading.

DESCRIPTION OF PROPOSED LEGISLATION: An act generally revising the laws relating to the Alternative Health Care Board.

Assumptions:

1. Board members and other revisions addressed are currently in place or have insignificant impact.

FISCAL IMPACT:

None

Dave Lewis 2-13-93  
DAVID LEWIS, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning

Mike Kadas 2-15-93  
MIKE KADAS, PRIMARY SPONSOR DATE  
Fiscal Note for HB0158, third reading

HB158

- advised by the federal government that the state risks losing its Basic Child Abuse and Neglect Grant money, amounting to \$122,512, if the agency does not succeed in amending the statutory definition of "adequate health care" as it pertains to child abuse and neglect.

Proponents' Testimony:

Hank Hudson, Director, Department of Family Services. Written testimony. EXHIBIT 1

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. SQUIRES asked Hank Hudson if the bill would be presented to the Appropriations Subcommittee on Human Services for consideration if it passed the committee and the floor, because of its fiscal impact. Mr. Hudson said the bill basically stands by itself and it was his understanding that presentation to the Appropriations Subcommittee on Human Services wouldn't be necessary.

REP. BERGMAN asked Mr. Hudson if the state had to match the federal funds. Mr. Hudson replied no.

Closing by Sponsor:

REP. REHBEIN closed.

HEARING ON HB 158

Opening Statement by Sponsor:

REP. MIKE KADAS, House District 55, Missoula, said tHB 158 is basically a cleanup bill for the Alternative Health Care Board.

Proponents' Testimony:

Dr. Michael Bergkamp, Chairman, Alternative Health Care Board, said the bill provides staggered terms for members of the board; deletes the requirement that all members be present in order to conduct board business; make fees collected by the board nonrefundable; clarifies the drugs and therapies which may be prescribed by naturopathic physicians; and clarifies the requirement for naturopathic physician endorsement. He said the purpose of the bill is to clarify the existing language, not to add to it.

Carol Grell, Attorney, Department of Commerce, Legal Counsel for

Alternative Health Care Board, explained HB 158 section by section.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. SAYLES asked Ms. Grell who would sign the birth certificates in Montana if the midwife was the attendant at a birth. Ms. Grell said she was not certain whether or not midwives could sign the birth certificates. Midwives cannot obtain copies of birth certificates, therefore they cannot submit copies of birth certificates as documentation they attended the birth.

VICE CHAIRMAN SIMON asked Ms. Grell if a person applied and paid the fee for a midwife license and it was not found acceptable, would the fee be refundable. Ms. Grell said the fees would not be refundable. VICE CHAIRMAN SIMON asked if there would be a problem with confidentially in providing records from a birthing center to the board. Ms. Grell said the board can receive and review records without breaching confidentiality because it is not concerned about names of babies or mothers, just proof that the birth was conducted under supervision, which would be the supervisor's signature. In the event the birth takes place in a religious colony, an affidavit from the birthing mother would be acceptable since colonies don't have a supervisor center.

REP. MOLNAR asked Ms. Grell if there would be an additional fee if an application had to be returned for more information. Ms. Grell replied no.

Closing by Sponsor:

REP. KADAS closed.

HEARING ON HB 144

Opening Statement by Sponsor:

REP. WAYNE STANFORD, House District 62, Stevensville, said HB 144 is mainly a housekeeping bill and defines independent living.

Proponents' Testimony:

June Hermanson, Chair, Independent Living Advisory Council, President, Board of Directors, Summit Independent Living Center, Missoula, said HB 144 updates the administrative codes under vocational rehabilitation.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. TOM NELSON stated that section 2 of the bill is redundant as it repeats section 1 and should be stricken. VICE CHAIRMAN SIMON said the two sections were from two different sections of the law so both should remain.

Closing by Sponsor:

REP. STANFORD closed.

EXECUTIVE ACTION ON HB 158

Motion: REP. HANSON MOVED HB 158 DO PASS.

Voice vote was taken. Motion CARRIED unanimously.

Vote: HB 158 DO PASS.

EXECUTIVE ACTION ON HB 168

Motion: REP. SHEILA RICE MOVED HB 168 DO PASS.

Voice vote was taken. Motion CARRIED unanimously.

Vote: HB 168 DO PASS.

ADJOURNMENT

Adjournment: 4:15 p.m.

*Wm E Boharski*

WILLIAM BOHARSKI, Chair

*Alyce Rice*

ALYCE RICE, Secretary

WB/ar



HOUSE OF REPRESENTATIVES  
HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL

DATE 1-18-93

| NAME                              | PRESENT | ABSENT | EXCUSED |
|-----------------------------------|---------|--------|---------|
| REP. BILL BOHARSKI, CHAIRMAN      | ✓       |        |         |
| REP. BRUCE SIMON, VICE CHAIRMAN   | ✓       |        |         |
| REP. STELLA JEAN HANSEN, V. CHAIR | ✓       |        |         |
| REP. BEVERLY BARNHART             | ✓       |        |         |
| REP. ELLEN BERGMAN                | ✓       |        |         |
| REP. JOHN BOHLINGER               | ✓       |        |         |
| REP. TIM DOWELL                   | ✓       |        |         |
| REP. DUANE GRIMES                 | ✓       |        |         |
| REP. BRAD MOLNAR                  | ✓       |        |         |
| REP. TOM NELSON                   | ✓       |        |         |
| REP. SHEILA RICE                  | ✓       |        |         |
| REP. ANGELA RUSSELL               | ✓       |        |         |
| REP. TIM SAYLES                   | ✓       |        |         |
| REP. LIZ SMITH                    | ✓       |        |         |
| REP. CAROLYN SQUIRES              | ✓       |        |         |
| REP. BILL STRIZICH                | ✓       |        |         |
|                                   |         |        |         |
|                                   |         |        |         |
|                                   |         |        |         |
|                                   |         |        |         |
|                                   |         |        |         |

HOUSE STANDING COMMITTEE REPORT

January 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging  
report that House Bill 158 (first reading copy -- white) do  
pass .

*Wm E Boharski*

Signed: \_\_\_\_\_

Bill Boharski, Chair

## **MINUTES**

### **MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY**

**Call to Order:** By Senator Dorothy Eck, on March 15, 1993, at 5:10 p.m.

#### **ROLL CALL**

**Members Present:**

Sen. Dorothy Eck, Chair (D)  
Sen. Chris Christiaens (D)  
Sen. Terry Klampe (D)  
Sen. Kenneth Mesaros (R)

**Members Excused:** Sen. Tom Hager, Sen. David Rye, Sen. Eve Franklin, Sen. Tom Towe

**Members Absent:** None.

**Staff Present:** Tom Gomez, Legislative Council  
Laura Turman, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: HB 158  
Executive Action: None.

Sen. Fred Van Valkenburg was present so the Committee would have a quorum to begin the hearing.

#### **HEARING ON HB 158**

**Opening Statement by Sponsor:**

Rep. Mike Kadas, House District 55, said during the last Legislative session a bill was passed that set up a joint Alternative Health Care Board. This board covered midwives and naturopaths. HB 158 is a "clean-up" bill. Rep. Kadas went through the sections of the bill.

**Proponents' Testimony:**

Dr. Michael Bergkamp, Chairman of the Alternative Health Care Board, said the Board is made up of six members: two naturopaths, two midwives, one medical doctor, and one public

member. The changes in HB 158 stem from problems associated with having two professional groups under one board, and now the number of individuals on the Board is substantially larger. The original bill was written for only three Board members. There was basically no opposition in the House, and it passed through Committee unanimously. Anything controversial was kept out of the bill, so that HB 158 is a housekeeping bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

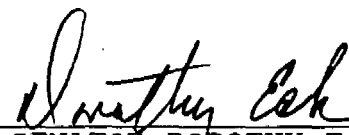
Sen. Mesaros asked Cheryl Brandt how many midwives there were. Cheryl Brandt, Licensing Specialist for the Board of Alternative Health Care, said there were currently five licensed midwives.

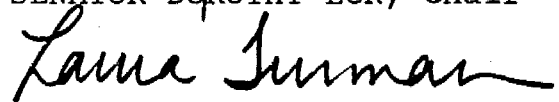
Closing by Sponsor:

Rep. Kadas said Sen. Mike Halligan would carry the bill in the Senate.

ADJOURNMENT

Adjournment: Chairman Eck adjourned the hearing at 5:25 p.m.

  
\_\_\_\_\_  
SENATOR DOROTHY ECK, Chair

  
\_\_\_\_\_  
LAURA TURMAN, Secretary

DE/LT

7'

SENATE COMMITTEE Public Health DATE 3-15-93

[illegible]



notice. It was not a matter of not notifying anyone.

Chairman Eck asked Ms. Grell if there were people who called themselves social workers who were not licensed. Ms. Grell said they were, in most cases, employed by agencies.

Closing by Sponsor:

Rep. Mason thanked the Committee for a good hearing.

EXECUTIVE ACTION ON HB 158

Motion:

Chairman Eck said the bill revised the laws regarding the Alternative Health Care Board.

Tom Gomez, Legislative Council, said there were some major problems with the current law. For example, all members of the Board had to be present to conduct business, but that has been changed. There was also a need for staggered terms.

Motion/Vote:

Sen. Rye moved HB 158 BE CONCURRED IN. The motion carried UNANIMOUSLY. Sen. Halligan will carry HB 158 on the Floor of the Senate.

EXECUTIVE ACTION ON HB 107

Discussion:

Chairman Eck said she would prefer to wait to take Executive Action on HB 107 until Sen. Hager was present, or until a member of the Committee had spoken to him about the bill. The bill would eliminate the Sunrise procedures, including the audit. Chairman Eck said that the audits had helped. Chairman Eck said that Rep. Cobb had indicated that the Legislative Audit Committee would continue to do the Sunrise audits if the Committee insisted.

Motion:

Sen. Towe moved HB 107 BE NOT CONCURRED IN.

Discussion:

Sen. Rye asked Sen. Towe what a Sunrise audit was. Sen. Towe

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 22, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 158 (first reading copy -- blue), respectfully report that House Bill No. 158 be concurred in.

Signed: \_\_\_\_\_

*Dorothy Eck*  
Senator Dorothy Eck, Chair

*ADW*  
W Amd. Coord.  
Sec. of Senate

*Sen. Halligan*  
Senator Carrying Bill

640933SC.San